

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR										YR.	NUMBER
1085/4	75	0188	05	14	75	4		365	1	12		151	8509	P	75	0188-B

PLAINTIFFS

ALFRED L. JOHNSON

DEFENDANTS

THE ARMSTRONG RUBBER COMPANY,  
a foreign corporation, and  
SEARS ROEBUCK AND CO., a  
foreign corporation.

CAUSE

Title 28 USCA #1332 - Diversity of citizenship and amount in controversy.  
Suit to recover damages for personal injury arising for vehicle collision  
caused by caused by defective tire.

ATTORNEYS

Jack B. Sellers 2-1-75  
Allen B. Mitchell  
300 East Lee  
Sapulpa, Okla. 74066  
  
Birdsong & Sanchez  
3211 South Western  
Oklahoma City, Okla. 73109

Bert M. Jones  
RHODES, HIERONYMUS, HOLLOWAY  
& WILSON  
2900 Fourth National Bank Bldg.  
Tulsa, Okla. 74119  
582-1173

408-632-2411

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	6-1-75
				JS-6	3-1-76

DATE	NR.	PROCEEDINGS
5-14-75	1.	Complaint, filed. Summons issued.lm
5-14-75	2.	JURY DEMAND by pltf., filed. lm
5-19-75		Summons, ret. & filed: served Armstrong Rubber Co. and Sears, Roebuck & Co., by serving The Corporation Co., Ok. City, on 5-15-75. (USM \$8.00)g
6-5-75	3.	ANSWER, filed. lm
6-25-75	MO	Parties are directed to hold PT conf. on or before 8-6-75 & file PT Order on or before 8-13-75. (AEB-J)k cps by cert mail
8-7-75	4.	Plaintiffs' Motion for Additional Time to Complete Pre-Trial Order, filed. mm 0+0J (30 days)
8-7-75	5	Order, filed, granting pltf. til 9-5-75 to file PT Order. (AEB-J)k cps md
9-12-75	MO	Case set for disposition on 9-24-75 at 10:00 a.m. for failure of parties to file PT Order. (AEB-J)k cps by cert ml
9-24-75		Case called for disposition. Pltf. represented by Mr. Mitchell. Deft. represented. Parties announce pre-trial order will be filed 9-25-75. Parties given 45 days to complete discovery. Mr. Jones to prepare order. Pltf. objects to consolidation of case with 75-C-189. Court orders cases will be consolidated for trial.(AEB-J)b
9-30-75	6.	Pltf's Request for Production, Inspection, and Copying of Documents, filed, w/Brief in Support. lm
10-14-75	7.	Pre-Trial Order, filed. (AEB-J)lm cps mld.
10-15-75	8.	Order, filed, consolidating for purpose of trial cases 75-C-188 and 75-C-189. (AEB-J)v -cps. mld.
10-23	9.	Response to Request for Prod. Inspection, and copying of documents, filed.jj
11-4-75	MO:	Case set for Jury trial on 1-12-76, at 10:00 A.M.(AEB-J)b nts mld w/affid.
12-18	10.	Notice of pltf's, Johnson and Striplin, to take deposition, filed.jj
12-18		Dep. of Alfred Johnson taken by defts. before Licensed Shorthand Reporter, filed. Fee of \$117.50 paid by defts.jj
12-23	11	Defts' Nts. to Take Dep. at 11:00 a.m. on 12/30/75 at Okla. City of a witness, H. E. Maxey, filed. lm
12-30 1-5-76	12.	Mot. of Defts. for Continuance from jury docket, filed. v -o to be in. Deposition of Jack Formond Striplin on behalf of deft., filed. g (\$56.25)
1-6-76	13	Defts., Supplemental Mot. for Continuance, filed.tc
1-8	14	Pltfs' motion for continuance of trial, filed. g c to mc
1-9-76	15	Ordered that Motions to Continue are hereby overruled, filed.(AEB-J)tc cps called
1-9-76	16	Requested Instructions of Deft., filed.jj
1-9-76	17	Requested Voir Dire of Defts., filed.jj
1-12-76		Case called for jury trial. Parties present. Motion for continuance denied. Parties announce ready.(AEB-J)b
1-13-76		Parties present; jury selected & sworn. Trial to begin 1-20-76, at 9:30 A.M.(AEB-J)b
1-19-76	18	Pltfs' Requested Instructions, filed.jj

CONTINUED

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-188</u> SHEETS PAGE <u>3</u> OF <u>2</u> <del>PAGES</del>
Alfred L. Johnson		The Armstrong Rubber Co., et al	
DATE 1976	NR.	PROCEEDINGS	
1-19		Deposition of H. E. Maxey, filed. Taken on behalf of deft. before Harvey W. Stephens, C.S.R. w/ fees of \$62.50. k	
1-20 1-20	19	Case passed for trial to 1-21-76, at 2:00 P.M. (AEB-J)b List of Pltfs' Witnesses for Use by Bailiff, filed. jj	
1-20-	20	Affidavit of pltfs' atty as to list of pltfs' trial exhibits, filed. jj	
1-20-76	21	List of Defts Witnesses for use by Bailiff, filed. tc	
1-20-76	22	Affidavit of Defts atty as to list of defts' trial exhibits, filed. tc	
1-21		Case passed for trial to 1-22-76, at 9:30 A.M. (AEB-J)b	
1-26		Reporter's transcript of proceedings had on 1-22-76, testimony of H.E. Maxey, filed. b	
1-30-76		Case tried to Jury 1-22, 1-26, 1-27, 1-28, 1-29 & 1-30. Parties present & announce ready on 1-12. Jury selected & sworn on 1-13. Pltfs' & Deft. make opening statements. Pltf. presents case in chief, witnesses sworn & testify. Parties stipulate as to make of tire. Deft's objection to witness Mazey's testimony as to condition of tire & to Dr. Kinneys test. overruled. Pltf. rests. Deft's motion for mis-trial overruled. Deft's object. to admittance of Pltf. Ex. 13b taken under advisement. Deft's motion for dismissal overruled. Pltfs obj. to Dr. Richardson's test. overruled. Ct. denys admission of Ex. 13b & rules Ex. 13c would not be admitted if offered. Deft. presents case in chief, witnesses sworn & testify. Pltfs obj. to witness Morrison test. overruled. Parties present rebuttal evidence w/test. of witnesses & Parties rest. Deft's motion for mis-trial overruled. Deft's motion for dismissal & for directed verdict overruled. Closing arguments made & Court instructs jury. Bailiff sworn. Jury retires to deliberate at 10:15 A.M. on 1-30-76. (3:50 P.M.) Note from Foreman of Jury. (4:30 P.M.) Jury returns to Ct. Court announces parties have agreed to settlement. Jury discharged at 4:40 P.M. Court allows parties to w/draw all trial exhibits. Settlement papers to be filed by Feb. 5, 1976. (AEB-J)b Note from Jury Foreman, filed. b	
2-11	23.	Stipulation of Dismissal, fld. v	
2-11	24.	Dismissal with Prejudice, fld. v (o)	
2-12	25.	Order of dismissal with prejudice, filed & entered. (AEB-J)g cp mld	
4-29		Transcript of testimony of Daniel A. Lyons on Jan. 28 & 29, 1976, filed. (Clerk's copy only)g	

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PAGE \_\_\_\_ OF \_\_\_\_ PAGES